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Attorney for Defendant
JOSE IGNACIO OCHOA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

JOSE IGNACIO OCHOA,
Defendant.

Case No.: 20-CR-00317

DEFENDANT JOSE IGNACIO OCHOA'S
SENTENCING MEMORANDUM; EXHIBITS

Date: July 25, 2023

Dept: Courtroom of the Hon. Jeffrey S. White

Time: 1:00 p.m.

Defendant JOSE IGNACIO OCHOA, by and through his counsel of record, Nghi Lam, hereby submits Defendant's Sentencing Memorandum for the Court's consideration at the time of sentencing.

Dated: July 18, 2023

Respectfully submitted,

/s/ Nghi Lam

Nghi Lam

Attorney for Mr. Jose Ochoa

MEMORANDUM OF POINTS AND AUTHORITIES**I.****Introduction**

Mr. Ochoa does not come to this Court with legal arguments. Instead, he is asking for forgiveness and mercy. On May 2, 2023, Mr. Ochoa pled guilty to Count 1 of an 11-count superseding indictment, which was a violation of 21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(B)(viii), and 841(b)(C), Conspiracy to Distribute and to Possess with Intent to Distribute Heroin, Cocaine, and Methamphetamine. Mr. Ochoa pled guilty pursuant to a written plea agreement. On May 9, 2019, co-Defendant Luis Ramirez-Carranza met with confidential informants after arranging to sell a firearm and an ounce of methamphetamine. Ramirez-Carranza was seen stepping out of Mr. Ochoa's blue Ram truck and retrieving a firearm from Ramirez-Carranza's own Honda, and then selling to 2 confidential informants one firearm and one ounce of methamphetamine for \$1,300. At the time, agents identified Mr. Ochoa as being the driver of the blue Ram truck on site, and in the truck was another defendant, Luis Cruz.

On June 12, 2019, Martinez Police Department conducted a probation search at Mr. Ochoa's residence. In Mr. Ochoa's room, they found a "pay owe" sheet, a revolver, and suspected drugs. They asked Mr. Ochoa if there were other firearms in the house and he stated that there was an assault rifle hidden in his sister's closet, which the officers located. In total, the officers found 26.8 grams of pure methamphetamine, 431.51 grams of heroin, 160.936 grams of methamphetamine, 2,580.754 grams of cocaine, and 994 fentanyl pills.

Mr. Ochoa made a very serious mistake and asks for the Court's forgiveness and mercy in sentencing. He does not deny culpability. He respectfully asks that the court sentence him to 60 months of federal prison time so that he can take advantage of the educational opportunities while in custody and come out a better person. He hopes to take advantage of all the opportunities afforded by Probation when he is released so that he can excel and set an example for his daughter.

Since being taken into custody, Mr. Ochoa has been attending religious services and working in the kitchen to stay focused. To convey his remorse and express how much he looks forward to making up for his past wrongs, Mr. Ochoa has written a letter to this honorable Court. Exhibit 1. Moreover, to confront his past problems with drug use, Mr. Ochoa finished the Five

Keys Substance Abuse Program while in custody. Exhibit 2. He will use his time in custody wisely to turn in life around for his daughter, his family, and himself.

II.

Defendant's Position

Mr. Ochoa, at the core, is a good person. As an adolescent, Mr. Ochoa never had a stable childhood. His family moved to Mexico when he was five years of age and then to Long Beach when he was six years old, and then back to the San Francisco Bay Area again when he was 9 years old, and much of this was due to his parents' separation. PSR ¶ 90. Mr. Ochoa was sent to Mexico again for a year from age 15 to 16. PSR ¶ 94. Despite the constant moves and limited resources, Mr. Ochoa learned to have a good work ethic, and by age 16 had already found his first job. Exhibit 3. Not only did Mr. Ochoa work diligently, he also received consistent raises for his good work. *Id.*

Despite not having any stability during childhood, Mr. Ochoa always remained positive and always tried to be helpful toward those around him. Exhibit 4. Aside from the mistake at hand, he tried to go down an honest path in everything else he did, and he was even in the process of applying for the Marines. Exhibit 5.

A. Sentencing Considerations

The federal sentencing guidelines are no longer mandatory. *United States v. Booker*, 543 U.S. 220 (2005), 125 S. Ct. 738 (2005). A court can tailor a sentence in light of other statutory concerns. *Booker*, 125 S. Ct. at 757. Additional factors to be considered in sentencing are set forth in 18 U.S.C. § 3553(a)(2), which are most applicable in Mr. Ochoa's case.

B. Section 3553(a)(2) Factors Support A 60-Month Sentence

The main directive in Section 3553(a) is for a sentencing court to "impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2)..." In addition to considering the nature and circumstances of the offense and the history and characteristics of the defendant, the court also must be guided by the directive of Section 3553 (a)(2) which provides the need for the sentence----

(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

(B) to afford adequate deterrence to criminal conduct;

(C) to protect the public from further crimes of the defendant; and

(D) to provide the defendant with needed educational or vocational

training, medical care, or other correctional treatment in the most effective manner.

a. To reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense

b. To afford adequate deterrence to criminal conduct

c. To protect the public from further crimes of the defendant

d. To provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner

III.

For the foregoing reasons, Mr. Ochoa respectfully asks that the court impose a sentence of 60 months. A sentence of 60 months will be sufficient, but not greater than necessary, to deliver justice. The substantial period away from his daughter will teach Mr. Ochoa a valuable lesson and

1 instill in him a deep respect for the law. It will make him a better person. Also, it will allow him to
2 rejoin the workforce so that he can continue being a productive member of society upon release.

3
4 Dated: July 18, 2023

5 Respectfully Submitted,

6 /s/ Nghi Lam

7 Nghi Lam
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Exhibit 1

Dear Your Honor,

I am writing to you to say that I take full responsibility for my actions and I want to apologize to the Court, society, and all the people and their family members who were hurt from what I did.

I have a daughter now and it has taught me a lot about what I did and how my actions can really hurt people because I don't want my daughter getting hurt from drugs. Now that I think about what drugs could do to my own daughter, I realize how bad my actions were, and I feel terrible. Also, while I have been in custody, it has also given me time to think about how I can become a better person. I have been going to chapel services and doing a drug rehabilitation program. I am also working in the kitchen to stay productive and focused.

Since being in custody, I have also realized just how much my actions affected my own family. I have had time to think about my past and my future, and I am excited to see my potential when I am released. I plan to take advantage of all the programs and education opportunities so that when I am out, I can live life the right way and set an example for my daughter. I plan to follow all the obligations of probation, and I plan to prove myself when I get a job and advance at my job. I want to show my own daughter and family that my past is not who I am and that I have become a better person.

I plan to walk away from the life and the people that I knew before because I need to be a man and help my mother and family too. They depend on me.

I now see that a life of crime and what it does to people, what it does to my family, and even what it does to me, it is not worth it, but the most important is what it does to the people who use drugs. I am choosing a new path in life and I want to make up for what I did in the past. I ask the court for mercy.

Thank you, Your Honor.

Respectfully,



Jose Ignacio Ochoa

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Exhibit 2



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Exhibit 3



March 24, 2023

Re: Character Reference for Jose Ochoa

To whom it may concern,

Jose Ochoa worked for Traverso Tree Service part time for two years while finishing up high school, and then full time for 3 additional years until he left with the intention of joining the Marines in 2019.

Jose was a great worker, he was reliable, worked hard, and was respectful to his co-workers. I enjoyed having Jose work with us and had started training him for a career as a climber. I was sadden to see him leave, but understood his desire to be a part of the marine corp.

It is my humble opinion that Jose is a good person, and that he has it in himself to overcome whatever trouble he has got himself into. If Jose would want to return to the tree care business, and we had openings, I would defiantly consider hiring him back on the crew.

Feel free to contact me if there are any questions.

Sincerely,

A handwritten signature in black ink that reads "John C. Traverso". The signature is written in a cursive style.

John C Traverso
ISA BCMA Arborist #0206-B
ISA Tree Risk Assessor Qualified

Traverso Tree Service
Phone: 925-930-7901 • 4080 Cabrilho Drive, Martinez, CA 94553 • Fax: 925-9723-2442

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4 **March 27, 2023**

5 **Re: Jose I. Ochoa**



7 I Personally met Jose I. Ochoa many years ago early in
8 his childhood. After knowing him a good amount of years in
9 his early adult life he took the decision to work at Traverso Tree Service where I had my
10 career for over 20 years. I had the opportunity to teach him a lot in the tree service industry
11 as he happened to be in my crew. I was his foreman for many years & all I can say is Jose I.
12 Ochoa is a very hard working young man who always desired to grow day by day learning
13 plenty on & off the field. To my experience working with him he was always responsible
14 completing all his tasks that he was assigned, always on time & an easy to work with
15 coworker. Now a pair of years back I got the opportunity to start my own tree service
16 company, here I will always have an opportunity to come join my team as he can make a big
17 difference on my crew with all the potential that I know Jose I. Ochoa has.

18 All the best,

19 LuisHerrera
20 (925) 440-9990
21 Ecology Tree Care
22 5036 Sutherland Dr
23 Concord Ca, 94521
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RE: Jose Ochoa

To Whom It May Concern.

Below are the details of employment for Jose Ochoa. Jose was a dedicated employee for over 6 years, a hard worker, and well-liked on the crew. He often worked 6 days a week, picking up extra (overtime) shifts on Saturdays. Jose left the company voluntarily.

Dates of employment: 6/20/2013 – 10/22/2019

NOTE: Traverso Tree Service changed from a Sole Proprietorship to an Incorporation on 10/1/2016 requiring a change in tax ID. Tax/Income statements will reflect the following employment periods:

Traverso Tree Service (SP): 6/20-2029 – 9/30/2016
Traverso Tree Service, Inc: 10/1/2016 – 10-22-2019

Starting Pay: \$14.00
01/16/2014: \$14.50 (\$.50 raise)
3/5/2015: \$15.50 (\$1.00 raise)
3/2/2016: \$16.50 (\$1.00 raise)
2/22/2017: \$17.50 (\$1.00 raise)
2/12/2018: \$18.00 (\$.50 raise)
2/5/2019: \$20.00 (\$2.00 raise)
Ending Pay: \$20.00

Please feel free to contact me with any questions regarding his employment. I have attached another sheet with his earnings history.

Danielle Schrader
Business Operations Manager
Traverso Tree Service, Inc
925-387-8381
danielle@traversotree.com

Traverso Tree Service Inc.
Phone: 925-930-7901 • 4080 Cabrilho Drive, Martinez, CA 94553 • Fax: 925-9723-2442

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Exhibit 4

reference letter for character regarding Jose I. Ochoa

To whom in may concern,

Hello, my name is Jessica Ocegueda I currently work as a RN in the emergency room in Los Angeles County. I've known Jose for almost about 16 years. During the time that I've known him he was always so respectful a well loving person by everyone who would cross his path always a hard worker an ready to give his all to help others in need as well, I know he had up an downs in life but never changed he's thoughts an way of being towards others. Last thing i knew is he was gonna join the Marines . I don't know what kind of trouble he got in but, i do think an hope he deserves a second chance since he is a valuable human being we need. If you have any questions you can reach me in (562) 612-9872.

Sincerely yours,

Jessica Ocegueda

Reference letter for character regarding Mr. Jose Ochoa

Hello, my name is Cesar Ruben Rodriguez. I currently work for Pacific post as a foreman. I've known Mr. Ochoa since he was around his 10 years old of age. I used to be his neighbor in Riley Ct in concord CA during the time while he was still a child till he grew up to be a man. I've known Mr. Ochoa as a hard worker. A very respectful person is always there to give you a hand. If you were in need, he would've definitely help you out even though he would stay with no money at times. He was a very well behaved student in school always tried to go above and beyond on his expectations on learning. He was training and studying to be a marine. Discipline was a key it helped him motivate himself to never feel like a failure on getting the things he wanted to be done. If you were to give Mr. Ochoa an opportunity, he can clearly prove to you that he is worthy of receiving that second chance. I hope you take my card as a consideration, and if you were to be released, I would definitely hire him to work with me. If you have any questions you can contact me at 925-497-6631

Sincerely,

Cesar Ruben Rodriguez

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Exhibit 5

Applicant Record

Page 1 of 3

This information system is approved for UNCLASSIFIED//FOUO data

Applicant Information

Last Name	First Name	Middle Name	Suffix	Gender	SSN	DoD ID
OCHOA	JOSE	IGNACIO		Male		
<input type="button" value="View this Person's Old PAC"/> <input type="button" value="Make New PAC"/>						
Current Address						
2050 RILEY CT						
Country:						
UNITED STATES		State:	County:	City:	Zip:	
		CA	CONTRA COSTA	CONCORD	95421	
Phone		Email				
(925) 8268563						
Cell Phone		Digital Communication				
()						
Activity	Source	Status	Disposition	PDQ/TDQ Note	Recruiter	
AC	AREA CANVASSING	NWA	DQ-MENTAL			

List Contact PAC

Sector	Date Prepared	Priority	Dual Source	ePPC Control Number
OA	31 Jan 2016	Hot		
Referrer SSN	Category	Date Declared	Date Started Working	Projected Ship
	Regular	02 Feb 2016	01 Feb 2016	FY Month Jun
<input type="checkbox"/> Copy Current Address to Home of Record				
Home of Record				
2050 RILEY CT				
Country:				
UNITED STATES		State:	County:	City:
		CA	CONTRA COSTA	CONCORD
				Zip: 95421
Interest				
WANTS TO BE A MARINE BECAUSE OF THE COMRADE AND HE KNOWS THAT THE MARINE CORPS CAN DO THAT FOR HIM. ALWAYS WANTED TO JOIN BUT HAD TO STUDY A LITTLE MORE UNTILL HE CAN SCORE HIGHER. HE KNOWS THAT THE MARINE CORPS WILL BE GOOD FOR HIM.				
Refer to OSO				
Interview Results				
Date Held		Recruiter		
2/1/2016 4:00:00 PM		SGT CALANTAS BUTT A		
Benefit Tags				
1st Benefit: Pride of Belonging				
1st Benefit Note:				
WANTS TO HAVE THE PRIDE OF THE MARINE CORPS. HE WANTS TO COMRADE				
2nd Benefit: Physical Fitness				
2nd Benefit Note:				
WANTS TO BE FIT AND BE HEALTHY AND FEELS GOOD ABOUT HIMSELF AND HE KNOWS THAT THE MARINE CORPS WILL DO THAT FOR HIM.				
3rd Benefit: Technical Skills				
3rd Benefit Note:				
WANTS TO BE A MECH AND HE KNOWS THE MARINE CORPS CAN DO THAT FOR HIM.				